IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 5055 of 1987

Date of Decision: 21.02.2007

Harbans Lal and another. .... Petitioners

Versus

Union Territory, Chandigarh and others. ... Respondents.

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. Vikas Bali, Advocate,
for the petitioners.

Mr. K.K. Gupta, Additional Standing Counsel
U.T., Administration,
for the respondents.

S.D. Anand, J. (Oral)

Learned counsel for the petitioners states that a revised site plan has been submitted to the respondents vide letter dated 31.10.2006 and that the revised site plan aforesaid takes care of the objections which have been raised from time to time. Learned counsel for the respondents states that if the site plan has been actually submitted, the concerned authorities would have taken action one way or the other thereupon. It is common ground that whatsoever decision is taken by the Competent Authority would furnish a fresh cause of action to the petitioners. Learned counsel for the petitioners states that the respondents are under a misapprehension that the pendency of this writ petition refrains them from taking action. In order to allay that apprehension, it is made clear that the pendency of this writ petition does not, in any manner, restrain the respondents from passing whatever order is deemed appropriate with regard to the revised site plan. The learned counsel for the respondents concedes it.

In view of the consensual position that the disposal either way of the revised site plan would furnish a fresh cause of action to the petitioner, the present writ petition need not be pursued any further. Needless to say, if the revised site plan is sanctioned, no cause of action would accrue to the petitioners. However, if the decision taken by the Competent Authority is adverse to the interest of the petitioners, they shall have a fresh cause of action to file writ petition.

Disposed of accordingly.

(S.D. Anand)
Judge

February 21, 2007
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